

BEFORE THE  
**Federal Communications Commission**

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WASHINGTON, D.C. 20554

JAN 3 1 1992

Federal Communications Commission  
Office of the Secretary

In the Matter of

Advanced Television Systems  
and Their Impact Upon The  
Existing Television Broadcast  
Service

MM Docket No. 87-268

**REPLY COMMENTS**

In this proceeding, the Federal Communications Commission ("Commission") raises a number of broad questions relating to the issue of UHF-TV spectrum allocations. The major focus of these inquiries concerns only broadcast-related matters. In Joint Comments filed by a variety of broadcast organizations,<sup>1/</sup> however, it is recommended that the existing, successful "land mobile sharing" of UHF spectrum be eliminated or reduced. Thus, the Land Mobile Communications Council (LMCC) offers these brief Reply Comments in rebuttal.

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<sup>1/</sup> NAB, INTV, APTS, ABC, CBS, NBC, PBS, Fox, all 3 network affiliates groups, A.H. Belo, Albritton, Cosmos, Cox, Gannett, Gillett, Great American, Heritage, Hubbard, Jefferson-Pilot, King, LIN, Media General, Meredith, McGraw-Hill, Multimedia, N.Y. Times, Providence Journal, Post-Newsweek, Scripps Howard, Taft, Tribune, Westinghouse, Joint Broadcaster Comments at pp. 36-38.

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**Preliminary Statement**

1. LMCC is a non-profit association of organizations representing users of land mobile radio and providers of land mobile services and equipment. LMCC is dedicated to securing and maintaining sufficient allocations of radio frequencies for the land mobile radio services in order to meet the immediate and long-term requirements of all land mobile radio users. In this capacity, LMCC acts on behalf of the vast majority of public safety, business, industrial, land transportation, private, common carrier, and land mobile radio users, as well as a diversity of land mobile service providers and equipment manufacturers.<sup>2/</sup>

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<sup>2/</sup> LMCC's membership includes:

American Association of State Highway and  
Transportation Officials  
American Automobile Association  
American Petroleum Institute  
American Mobile Telecommunications Association  
American Trucking Associations  
Association of American Railroads  
Associated Public-Safety Communications  
Officers, Inc.  
Cellular Telecommunications Industry Association  
Forest Industries Telecommunications  
Forestry-Conservation Communications Association  
International Association of Fire Chiefs  
International Association of Fish and Wildlife  
Agencies  
International Municipal Signal Association  
International Taxicab and Livery Association  
Manufacturers Radio Frequency Advisory Committee

(continued...)

**Land Mobile Spectrum Requirements**

2. As the Commission is well aware, the radio spectrum is a natural resource which must be used effectively in the best overall interest of the American public. The Commission clearly recognized this fact in paragraph 37 of its Notice, where it stated that "there may be other superior uses" of UHF spectrum than over-the-air broadcasting. Chairman Sikes himself indicated in his statement associated with this proceeding, that:

If the record indicates...that  
broadcasters, guided by their view  
of future economics, are losing  
interest in HDTV, then valuable  
UHF spectrum could be used for new  
land mobile services.

3. These sentiments are not surprising. The current huge spectrum allocation for over-the-air terrestrial broadcasting is questionable, at best. Unlike

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2/(...continued)

National Association of Business and  
Educational Radio, Inc.  
National Association of State Foresters  
Special Industrial Radio Service Association, Inc.  
Telecommunications Industry Association  
Telocator  
Utilities Telecommunications Council

mobile radio, video delivery between two fixed points does not inherently require the use of scarce spectrum. Most viewers presently subscribe to cable services to receive their video programming, and cable services require the use of almost no spectrum. It is inappropriate at this point, therefore, especially in light of current congestion on mobile radio channels, to allow over-the-air broadcasters to continue consuming ever increasing amounts of frequency space. Nevertheless, the Joint Broadcasters urge the Commission to terminate the Gen. Docket No. 85-172 proceeding, which proposed additional land mobile sharing of unused UHF television spectrum. The broadcasters also seek to undo the very successful, long-standing provisions of Docket No. 18261, which years ago authorized the sharing of certain UHF television channels by land mobile radio users.

4. The broadcasters' suggestions to curtail or eliminate "UHF Sharing" are self-serving and ill-founded. It is not necessary in this proceeding, however, to argue in depth the merits of the various competing spectrum needs. Rather, the Commission should ensure that sufficient flexibility exists to provide for whatever options ultimately are shown to be economically viable, spectrum efficient and in the public interest.

5. The Commission was correct years ago in adopting its existing "UHF Sharing" rules and procedures. The program has been extremely successful and has maximized the use of otherwise unused spectrum. The Commission also has been correct in continuing the Gen. Docket No. 85-172 "UHF Sharing" proceeding pending the outcome of the ATV matter. As Chairman Sikes noted, it is certainly an open question as to whether "full" ATV, (i.e., HDTV) will be economically viable for broadcasters. Furthermore, serious and unanswered questions still remain as to whether viewers themselves have any substantial interest in ATV or will pay any increased amounts for home reception equipment.

6. There is a significant possibility that HDTV may never happen, or that it will happen in such a fashion as to require less spectrum than now envisioned. If so, additional land mobile sharing of the UHF television spectrum could and should take place. It is prudent for the Commission to allow for the best possible future use of this spectrum by continuing its existing UHF Sharing program and maintaining an open proceeding in Gen. Docket No. 85-172.

**WHEREFORE, THE PREMISES CONSIDERED,** the Land Mobile Communications Council respectfully requests the Federal

Communications Commission to act in a manner fully  
consistent with the foregoing statement.

Respectfully submitted,

LAND MOBILE COMMUNICATIONS  
COUNCIL

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